

REMARKS

Claims 14-20 are pending in the application. No claims have been amended, added or cancelled herein.

Claim Rejections – 35 U.S.C. § 103(a)

In the final office action of September 3, 2009, the Examiner rejects claim 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over **Anderson** (U.S. Patent No. 5,903,309) in view of **Nakabayashi** (U.S. Patent No. 5,903,309). Claims 15 and 18-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over **Anderson** (U.S. Patent No. 5,903,309) in view of **Lee** (U.S. Patent Publication No. 2002/0062313) and further in view of **Kaku** (U.S. Patent No. 6,728,471). Applicants respectfully traverse these rejections.

Further to arguments presented in Applicants' response to previous office action, Applicants respectfully submit the following additional arguments in support of patentability of the claimed invention.

In the final office action mailed on September 3, 2009, Applicants respectfully submit that the Examiner apparently continues to misconstrue Applicant's claimed subject matter for at least the reasons stated below. A detailed response to all of the arguments set forth below is respectfully requested in the event that the Examiner continues to withhold allowance of the application.

1. The Examiner alleges that **Anderson** discloses the step of "coding the captured image signals into image data units based upon a frame size in a combined signal storing mode" citing (generating JPEG data 464' of **Anderson**). Applicants respectfully disagree with the Examiner's analysis.

Anderson merely discloses the information field 472 comprises a series of tags for storing information regarding the image represented by the JPEG data 464'. Nowhere does **Anderson** teach or suggest coding the captured image signals into image data units based upon a frame size in a combined signal storing mode.

The Examiner further asserts (on page 2 of the final office action mailed on September 3, 2009) that "performing a JPEG coding operation on one-frame, e.g. still image (generating JPEG data 464' of **Anderson**) is considered performing a coding operation on the image." Applicants respectfully disagree with the Examiner's analysis. Nowhere does **Anderson** teach or suggest generating JPEG data 464' or performing a JPEG coding operation on one-frame. Therefore, Applicants submit that **Anderson** does not teach or suggest the step of coding the captured image signals into image data units based upon a frame size in a combined signal storing mode.

2. The Examiner alleges (on page 2 of the final office action mailed on September 3, 2009) that **Anderson** discloses coding audio signals into audio data units according to the image data units (citing Col. 7, lines 4-12 of **Anderson**). Applicants respectfully disagree with the Examiner's analysis.

Anderson merely discloses that the extended file format 470 that supports multiple media types also includes a sound field 474 that contains a sound clip associated with the image. Assuming, *arguendo*, that **Anderson**'s disclosure recited above reads on the coding audio signals into audio data units according to the image data units, the Examiner should note that the sound field 474 that contains a sound clip is associated with JPEG data 464 and not (JPEG data 464' - the image data units) (see Col. 7, lines 4-12 in **Anderson**). Therefore, Applicants submit that **Anderson** does not teach or suggest the step of coding audio signals into audio data units according to the image data units.

3. The Examiner further alleges (on page 3 of the final office action mailed on September 3, 2009) that **Anderson** discloses accessing selected combined data, separating the image and audio data units via the image headers, and decoding and reproducing the image and audio data units (citing Col. 7, lines 4-12, Fig. 5 and Col.

6, line 45 et seq. of **Anderson**). Applicants respectfully disagree with the Examiner's analysis.

Anderson does not teach or suggest combining the image data units and audio data units, and storing combined data units in the memory. More importantly, nowhere does **Anderson** teach or suggest separating the image and audio data units via the image headers, and decoding and reproducing the image and audio data units.

Anderson merely discloses "a standard header 462 for storing the date and time the image was captured", but fails to disclose or teach "generating each of image headers for combining the image data units and the coded audio data units, combining the image headers, the image data units and audio data units, and storing combined data units in the memory," as recited in independent claim 14 above.

The Examiner further asserts **Anderson** discloses that after selecting one of the displaying cells 420, the expanded file 470 is accessed and the image data (which is conventionally generated from a JPEG image file using the JPEG header/markers) is fully displayed while the sound is played (citing Col. 7, lines 5-12 of **Anderson**). Applicants respectfully disagree with the Examiner's analysis. Nowhere does **Anderson** teach or suggest the separating, decoding and reproducing steps recited above. Assuming, *arguendo*, that **Anderson** discloses what the Examiner alleges above, the Examiner should note that it is not the same as separating the image and audio data units via the image headers, and decoding and reproducing the image and audio data units.

35 U.S.C. 112, second paragraph rejection

The Examiner rejects claim 14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Steps (c) and (d) of claim 14 recite "plurality of combined data units". The Examiner alleges that it is unclear if "a moving picture menu"

and “a combined signal menu” refer to the same menu or if they are different. Applicants respectfully disagree with the Examiner’s analysis.

Applicants submit that step (c) recited in claim 14 is directed to displaying a plurality of combined data units as information of a moving picture menu in a combined signal playback mode. (See Fig. 19 and lines 12-22 of page 35 in the specification of the instant application). Step (d) recited in claim 14 is directed to displaying a plurality of combined data units as information of combined signal menu in a combined signal transmission mode. (See Fig. 25 and lines 3-13 of page 44 in the specification of the instant application).

That is, although “a plurality of combined data units” in step (c) and “a plurality of combined data unit” recited in step (d) are the same unit, “a plurality of combined data units” in step (c) is displayed as “information of moving picture menu” in the combined signal playback mode, and “a plurality of combined data” in step (d) is displayed as “a combined signal menu” in a combined signal transmission mode, as indicated above. In other words, the same plurality of combined data units are differently displayed according to mode.

Therefore, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejection.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indication of allowable subject matter, but wish to defer the rewriting of claims 16 and 17 in independent form pending the Examiner’s consideration of the arguments presented herein.

Accordingly, Applicants' independent claims 14 and 15, as well as the dependent claims 16-20 (which incorporate, by reference, all of the features of their respective base claims) are patentable over Anderson, Nakabayashi, Lee and Kaku at least for these reasons. Withdrawal of the rejections of independent claims 14 and 15 (and of claims 16-20 which depends therefrom) under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson, Nakabayashi, Lee and Kaku is respectfully requested.

Conclusion

Reconsideration of the above-identified application and allowance of claims 14-20 are respectfully requested.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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